

REMARKS/ARGUMENTS

Claims 2-4, 9-11, and 16-18 are amended herein. Claims 1, 5-8, and 12-15 are canceled herein from the Application without prejudice. Claims 19-27 are added to the Application herein. Claims 2-4, 9-11, and 16-27 are pending in the application. No new matter has been added. Following discussion regarding patentability of the claims is directed toward the claims as amended herein. Reconsideration and reexamination is respectfully requested.

1. REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. § 112:

In item 2 on page 2 of Paper No./Mail Date 20041204 mailed on 29 December 2004 referred to herein the Office Action of 29 December 2004, claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Applicant respectfully traverses. However, claims 1, 5-8, and 12-15 are canceled herein from the Application without prejudice. Further, claims 2-4 have been rewritten to depend from new independent claim 19; claims 9-11 have been rewritten to depend from new independent claim 23; and claims 16-18 have been rewritten to depend from new independent claim 27. As such, arguments regarding patentability of claims 2-4 will be made following arguments regarding patentability of claim 19; arguments regarding patentability of claims 9-11 will be made following arguments regarding patentability of claim 23; and arguments regarding patentability of claims 16-18 will be made following arguments regarding patentability of claim 27.

2. REGARDING NEW CLAIMS 19-27:

For reasons that are readily apparent new claims 19-27 are also allowable.

Regarding Allowability of Independent Claims 19 & 23:

In item 2 on page 2 of the Office Action of 29 December 2004, it was alleged that the phrase "if" is "an indefinite term". Applicant respectfully traverses this allegation. The "IF-THEN-ELSE" construct in software programming is a well known and well defined construct. The word "if" is used to introduce conditional steps. If the condition(s) following the "if" are met, then the actions following are performed. Examples of allowed claims using such a construct can be found in claim 1 (see line 13, col. 21 as "... image if said ...") among other claims of U.S. Patent Number 6,865,290 by Kohchi entitled "Method and Apparatus for Recognizing Document Image by Use of Color Information", in claim 10 (see line 21, col. 12; "... if the front-end indicator ...") among other claims of U.S. Patent Number 6,865,605 by Solderberg et al. entitled "System and Method for Transparently Redirecting Client Requests for Content Using a Front-End Indicator to Preserve the Validity of Local Caching at the Client System", in claim 5 (see line 65, col. 34; "... operation if the removable storage medium ...") among other claims of U.S. Patent Number 6,868,465 by Witt, Jr. entitled "RSM Removal Initiation Sequence", and in claim 5 (see line 26, col. 24; "... wherein, if it is determined that ...") among other claims of U.S. Patent Number 6,868,488 by Garthwaite entitled "Binned Remembered Sets" among others.

In claim 19, IF the CONDITION stated as "if connection of a first node to the first

port is detected” is met (i.e., the CONDITION is TRUE) and IF the further CONDITION “if connection of a second node to the first port has been previously detected” is met (i.e., the further CONDITION is TRUE), THEN the step “specifying that the topology of the network comprises a bus segment attached to the first port, wherein ...” is performed. Otherwise, if these conditions are not met, but IF the CONDITIONS stated as “if connection of a first node to the first port is detected” and “if the first node is a second port located on a second switching device” are met, THEN the step “specifying that the topology of the network comprises a serial segment attached to the first port, wherein ...” is performed. Otherwise, if these conditions are not met, but IF the CONDITION stated as “if connection of a first node to the first port is detected” is met, THEN the step “specifying that the topology of the network comprises a star segment attached to the first port, wherein ...” is performed. Claim elements of claim 19 provide concrete method steps for performing functions based upon meeting well defined criteria as just indicated. Similar statements can be made for independent claim 23.

Thus, Applicant believes that claims 19 and 23 are clear, that a meaningful search regarding their patentability can be performed, and that claims 19 and 23 are allowable.

Regarding Allowability of Independent Claim 27:

Independent claim 27 claims “A topological map for describing the connectivity of nodes on a computer network, wherein the network comprises a first switching device having a first port” having “at least one map segment”. The map segment is “a bus segment connected to the first port if a first node and a second node are connected to the first port, wherein ...”; otherwise, the map segment is “a serial segment connected to the first port if the first node is a second port located on a second switching device, wherein ...”; otherwise the map segment is “a star segment connected to the first port, wherein ...”. Applicant believes that the claim elements of claim 27 are well defined, that a meaningful search regarding its patentability can be performed, and that claim 27 is allowable.

Regarding Rejection of Dependent Claims 2-4, 9-11, & 16-18 Under 35 U.S.C. § 112:

Because dependent claims 2-4 depend from independent claim 19, it is noted that dependent claims 2-4 have all the features described above for claim 19 as elements. As Applicant has demonstrated above, independent claim 19 is allowable. Thus, claims 2-4 are allowable.

Because dependent claims 9-11 depend from independent claim 23, it is noted that dependent claims 9-11 have all the features described above for claim 23 as elements. As Applicant has demonstrated above, independent claim 23 is allowable. Thus, claims 9-11 are allowable.

Because dependent claims 16-18 depend from independent claim 27, it is noted that dependent claims 16-18 have all the features described above for claim 27 as elements. As Applicant has demonstrated above, independent claim 27 is allowable. Thus, claims 16-18 are allowable.

3. CONCLUSION:

Entry of this amendment is respectfully requested. Applicant believes that all claims pending in the Present Application are allowable and that all other problems raised by the Examiner have been rectified. Therefore, Applicant respectfully requests the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

by Morley C. Tobey, Jr.

Morley C. Tobey, Jr.

Reg. No. 43,955

March 22, 2005
Loveland, CO 80537
(970) 669-1266